

corrected.

Special Civil Application No 5833 of 95

Date of decision: 20/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge? No

BHANVADIYA OIL INDUSTRIES

vs

COLLECTOR

Appearance:

MR VIJAY H PATEL for Petitioner

MS. HARSHA DEVANI, AGP, for the respondents.

Coram : MR.JUSTICE R.K.ABICHANDANI

ORAL JUDGEMENT

Rule. The learned A.G.P. waives service of rule on behalf of the respondents. At the request of both the sides, the matter is taken up for final disposal.

The petitioner challenges the order dated 28.2.1995 passed by the respondent No. 2 under Section 6C of the Essential Commodities Act, 1955, dismissing the petitioner's appeal and confirming the order of the Collector dated 19.12.1992 confiscating the mustard seeds and mustard oil totally valuing of Rs. 1,28,805/-.

The grievance of the petitioner is that the authorities have not considered the evidence on which reliance was placed on behalf of the petitioner. It appears from the appellate order that the appellate authority has not given reasons for the conclusions which it has enumerated in the last part of its order.

It has not discussed the documents to which it has just made a reference by saying that the documents disclose that the petitioner had illegally diverted mustard oil. It was incumbent upon the appellate authority to specify the evidence which, according to it, justify the conclusions. In the earlier part of its order it has simply set out the contentions of both the sides. Therefore, the order though a longish one, is virtually a non-speaking order since it has not given reasons for the conclusions which have been arrived at. It will, therefore, be appropriate to direct the appellate authority to reconsider the matter in light of the contentions which may be canvassed on behalf of the petitioner and make an order giving reasons for the findings which may be arrived at. The impugned order of the appellate authority passed under Section 6C is, therefore, hereby set aside and the appellate authority is directed to reconsider the appeal and decide the same in accordance with law expeditiously. Rule is made absolute accordingly with no order as to costs.

000000000000